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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,406	02/06/2001	Alexander Kurganov	078616-0128	4531
27433 7590 03/19/2007 FOLEY & LARDNER LLP 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60610-4764			EXAMINER SHINGLES, KRISTIE D	
			ART UNIT 2141	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/777,406

Applicant(s)

KURGANOV, ALEXANDER

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32, 34 and 50-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32, 34 and 50-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Claims 32, 34, 53 and 63 are amended.
Claims 1-31, 33 and 35-49 are cancelled.
Claim 68 is newly added.

Claims 32, 34 and 50-68 are pending.

Response to Arguments

I. Applicant's arguments filed on 12/28/2006 have been fully considered but they are not persuasive.

Regarding the cited prior art of record, Applicant argues that the publication data of the *Summers et al* reference is May 11, 2001 and is therefore after the filing date of Applicant's application—February 6, 2001. Accordingly, Applicant argues that the 35 U.S.C. 102(e) rejection made using *Summers et al* is improper since *Summers et al* is not prior art.

Examiner respectfully disagrees. The publication date of the *Summers et al* is October 18, 2001 not May 11, 2001—May 11, 2001 is the filing date of the *Summers et al* publication. However, the *Summers et al* publication has Related U.S. Application Data, which indicates that it is a Continuation-In-Part of Application No. 09/464,989 filed December 16, 1999 and furthermore is a Non-Provisional of Provisional Application No. 60/263,003 filed January 19, 2001. The effective filing date of the *Summers et al* publication is thus the priority date of its previous related applications, which does qualify the *Summers et al* publication as prior art according to the 35 U.S.C. 102(e) rejection requirements. Applicant's arguments are therefore unpersuasive and the rejection under *Summers et al* is maintained.

Claim Rejections - 35 USC § 102

II. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

III. **Claims 32-34 and 50-68** are rejected under 35 U.S.C. 102(e) as being anticipated by *Summers et al* (US Publication 2001/0032234).

a. **Per claim 32**, *Summers et al* teach a method for allowing users to use speech commands to obtain information from a pre-defined portion of a pre-selected web site in audio format, said method comprising the steps of:

- (a) providing a computer having a speech processor, said computer being operatively connected to the internet and to at least one phone (*Figure 3, page 4 paragraph 0038*);
- (b) providing a URL to said computer, said URL indicating a pre-selected web site from which the information is to be retrieved (*page 2 paragraph 0018, page 4 paragraphs 0044 and 0045, page 5 paragraphs 0048 and 0049, page 6 paragraph 0062*);
- (c) using said computer to designate a pre-defined portion of the pre-selected web site which contains the information to be retrieved (*page 3 paragraphs 0019 and 0020, page 5 paragraph 0052, page 6 paragraphs 0067-0071; provision for user to map selected portions of requested webpage*);
- (d) using said computer to identify a named object associated with the content of the information to be retrieved (*page 3 paragraph 0019; provisioning for naming a designated link or text of the selected portion*);
- (e) allowing said computer to create a descriptor containing instructions which identify the web site URL and the location of the pre-defined portion of said pre-selected web site which contains said information to be retrieved, and said

named object (page 3 paragraphs 0019 and 0020, page 4 paragraph 0038, page 5 paragraphs 0048 and 0049, page 6 paragraphs 0062-0068; provisions for user to create user-defined map and bookmarks to identify the webpage and the pre-defined portions of the webpage);

- (f) providing a speech command to said speech processor, said speech command corresponding to said descriptor (page 3 paragraphs 0020 and 0037, page 5 paragraphs 0052, 0055, 0056 and 0059, page 6 paragraph 0068, page 7 paragraphs 0074-0076 and 0078; user inputs voice commands to provide a descriptor to associate with a voicelink);
- (g) said speech processor converting said speech command to a digital-form command (page 3 paragraph 0020, page 5 paragraphs 0055, 0056 and 0059, page 7 paragraphs 0074-0078; provision for speech recognition voice commands and voice browser);
- (h) said computer receiving said digital-form command from said speech processor, said computer assigning said descriptor to said digital-form command (page 3 paragraph 0019 and 0036, page 7 paragraph 0076, page 8 paragraphs 0083-0085);
- (i) after steps (a) through (h) are completed, transmitting an audio speech command to said speech processor, said speech command corresponding to said descriptor (Figure 3, page 1 paragraph 0003, page 3 paragraph 0020; transmitting user's speech command for the desired text or link);
- (j) said speech processor converting said speech command to said digital-form command (page 3 paragraph 0020, page 5 paragraphs 0050, 0055, 0056 and 0059, page 7 paragraphs 0074-0078; provision for converting speech command to digital signals in order to interpret the user input);
- (k) said computer receiving said digital-form command from said speech processor (page 3 paragraph 0019 and 0036, page 4 paragraph 0046, page 5 paragraphs 0053-0058, page 7 paragraph 0076, page 8 paragraphs 0083-0085; server receives user's input from browser);
- (l) said computer retrieving said descriptor corresponding to said digital-form command (page 3 paragraphs 0019, 0020 and 0037, page 5 paragraphs 0052, 0055, 0056 and 0059, page 6 paragraph 0068, page 7 paragraphs 0074-0076 and 0078);
- (m) said computer retrieving the information from the pre-defined portion of the pre-selected web site corresponding to said descriptor when the requested information is found in the pre-defined portion of the pre-selected website

(page 6 paragraphs 0063-0070, page 7 paragraphs 0074-0078, page 8 paragraph 0083);

- (n) said computer searching said pre-selected web site for said named object when the requested information is not found in the pre-defined portion of the pre-selected web site *(page 6 paragraph 0064, pages 7-8 paragraph 0079, page 8 paragraphs 0082-0085—provision for parsing and navigating the pre-selected website for desired content web site when/if the mapped regions become obsolete);*
- (o) said computer providing said retrieved information to said speech processor *(page 3 paragraphs 0019 and 0020, page 4 paragraph 0038, page 5 paragraphs 0048 and 0049, page 6 paragraphs 0062-0068);*
- (p) said speech processor converting said retrieved information into an audio message *(page 3 paragraph 0020, page 5 paragraphs 0055, 0056 and 0059, page 7 paragraphs 0074-0078);* and
- (q) said speech processor forwarding said audio message to a user *(page 3 paragraph 0020, page 3 paragraphs 0027, 0031 and 0036, page 4 paragraph 0038, page 7 paragraph 0078).*

b. **Claims 53 and 63** contain limitations that are substantially equivalent claims 1 and 2 and therefore are rejected under the same basis.

c. **Per claim 34**, *Summers et al* teach the method of claim 32 wherein the pre-defined portion of the pre-selected web site being retrieved is periodically updated *(page 3 paragraph 0020, page 7 paragraph 0079, page 8 paragraph 0082).*

d. **Per claim 50**, *Summers et al* teach the method of claim 32 wherein the step of providing a URL to a computer is performed by a user *(page 5 paragraph 0049, page 6 paragraph 0062).*

e. **Per claim 51**, *Summers et al* teach the method of claim 32 wherein the step of using said computer to designate a pre-defined portion of the web site which contains the information to be retrieved comprises the steps of displaying the web site on a graphical display

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operatively connected to the computer (*page 3 paragraphs 0036 and 0037*); and using computer software to select the pre-defined portion of the pre-selected web site which contains the information to be retrieved (*page 3 paragraph 0037, page 5 paragraph 0058, page 6 paragraph 0066*).

f. **Claims 62 and 65** are substantially equivalent to claim 51 and are therefore rejected under the same basis.

g. **Per claim 52**, *Summers et al* teach the method of claim 51 wherein the step of using the computer to designate a pre-defined portion of the web site which contains the information to be retrieved is performed by a user (*page 5 paragraph 0050, page 6 paragraphs 0064-0067, page 7 paragraph 0071*).

h. **Claims 61, 64 and 64** are substantially equivalent to claim 52 and are therefore rejected under the same basis.

i. **Per claim 54**, *Summers et al* teach the system of claim 53 wherein the phone is a landline telephone (*page 5 paragraph 0053*).

j. **Per claim 55**, *Summers et al* teach the system of claim 53 wherein the phone is a wireless telephone (*page 5 paragraph 0053*).

k. **Per claim 56**, *Summers et al* teach the system of claim 53 wherein the phone is an internet protocol telephone (*page 5 paragraph 0053*).

l. **Per claim 57**, *Summers et al* teach the system of claim 53 wherein the server is operatively connected to a local area network (*page 2 paragraph 0018, page 4 paragraphs 0043-0044*).

m. **Per claim 58**, *Summers et al* teach the system of claim 53 wherein the server is operatively connected to a wide area network (*page 2 paragraph 0018, page 4 paragraphs 0043-0044*).

n. **Per claim 59**, *Summers et al* teach the system of claim 53 wherein the server is operatively connected to the Internet (*Figure 3, page 4 paragraph 0044*).

o. **Per claim 60**, *Summers et al* teach the system of claim 53 further comprising a database operatively connected to the server, the database configured to store said instruction set and said recognition grammars (*page 3 paragraph 0027, page 4 paragraph 0045, page 5 paragraph 0050*).

p. **Per claim 68**, *Summers et al* teach the system of claim 53 wherein the named object is selected from the group consisting of: "weather", "forecast", "high", "low", "radar", "temp", "temperature", "humidity", "humidity level", "wind", "wind speed", "wind direction", "pressure", "sunrise", "time", "month", "day", "stock", "stock quote", "news", "new reel", "airline", "carrier", "flight", and "flight number" (*page 6 paragraphs 0064 and 0070, page 7 paragraphs 0075 and 0078-0079, page 8 paragraph 0083*).

Conclusion

IV. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Wesemann et al (6,349,132), Bjurstrom et al (6,594,348), Ladd et al (6,539,359), Walker et al (6,434,529), Weber (6,532,444), Bennett (7,050,977), Zirngibl et al (6,964,012), Kuiken et al (6,922,733), Colbath et al (6,618,726).

V. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


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SUPERVISORY PATENT EXAMINER